



General Assembly

February Session, 2002

Raised Bill No. 5252

LCO No. 1232

Referred to Committee on General Law

Introduced by:
(GL)

***AN ACT FACILITATING FOOD RECALLS AND ESTABLISHING CIVIL
PENALTIES FOR VIOLATIONS OF THE BAKERY AND FROZEN
DESSERTS ACTS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2003*) (a) As used in this
2 section:

3 (1) "Commissioner" means the Commissioner of Consumer
4 Protection.

5 (2) "Meat" means the edible part of the muscle of cattle, swine or
6 sheep that is skeletal or that is found in the tongue, the diaphragm, the
7 heart or the esophagus, with or without accompanying overlying fat
8 and portions of skin, bone, nerve and blood vessels which normally
9 accompany the muscle tissue and which are separated from it in the
10 process of dressing. "Meat" does not include the muscle found in the
11 lips, snout or ears.

12 (3) "Meat food product" means any product capable of use as food
13 that is made wholly or in part from any meat or other portion of the
14 carcass of any cattle, sheep, swine or goat, except those products

15 containing meat or other portions of such carcasses only in a relatively
16 small proportion or that have not historically been considered by
17 consumers as products of the meat food industry, and which are
18 exempted from the definition of a meat food product by the
19 commissioner, under such conditions as the commissioner may
20 prescribe, to assure that the meat or other portions of such carcasses
21 contained in such products are not adulterated and that such products
22 are not represented as meat food products.

23 (4) "Seafood" means all fresh or saltwater finfish, molluscan
24 shellfish, crustaceans and other forms of aquatic animal life.

25 (b) No person, firm, corporation, limited liability company or other
26 legal entity shall engage in the wholesale distribution of meat or meat
27 food products or in the retail sale of seafood without first obtaining a
28 certificate of registration.

29 (c) Each person, firm, corporation, limited liability company or other
30 legal entity seeking registration pursuant to subsection (b) of this
31 section shall apply annually for a certificate of registration with the
32 Department of Consumer Protection on forms prescribed by the
33 commissioner. Each applicant shall pay a registration fee of ten dollars.

34 (d) The commissioner may adopt regulations, in accordance with
35 chapter 54 of the general statutes, to carry out the provisions of this
36 section.

37 (e) The commissioner shall hold a hearing, in accordance with the
38 provisions of chapter 54 of the general statutes, whenever the
39 commissioner has probable cause to believe, or whenever twenty-five
40 or more citizens of this state have certified, in writing, to the
41 commissioner their belief that any person, firm, corporation, limited
42 liability company or other legal entity has violated any provision of
43 this section or of any regulation adopted pursuant to subsection (d) of
44 this section.

45 (f) Upon finding that a person, firm, corporation, limited liability
 46 company or other legal entity has violated any provision of this section
 47 or of any regulation adopted pursuant to subsection (d) of this section,
 48 the commissioner may issue a warning citation to such person, firm,
 49 corporation, limited liability company or other legal entity or the
 50 commissioner may impose a civil penalty of not more than five
 51 hundred dollars for the first offense and not more than one thousand
 52 dollars for each subsequent offense.

53 (g) Any person who violates any provision of this section or of any
 54 regulation adopted pursuant to subsection (d) of this section, shall be
 55 fined not more than five hundred dollars or imprisoned not more than
 56 six months, or both, for a first offense, and be fined not more than one
 57 thousand dollars or imprisoned not more than one year, or both, for a
 58 second or subsequent offense.

59 Sec. 2. Section 21a-159 of the general statutes is repealed and the
 60 following is substituted in lieu thereof (*Effective October 1, 2002*):

61 (a) The commissioner shall hold a hearing, in accordance with the
 62 provisions of chapter 54, whenever the commissioner has probable
 63 cause to believe, or whenever twenty-five or more citizens of this state
 64 have certified, in writing, to the commissioner their belief that any
 65 person, firm, corporation, limited liability company or other legal
 66 entity has violated any provision of sections 21a-152 to 21a-158,
 67 inclusive, or any regulation adopted pursuant to this section.

68 (b) Upon finding that a person, firm, corporation, limited liability
 69 company or other legal entity has violated any provision of sections
 70 21a-152 to 21a-158, inclusive, or any regulation adopted pursuant to
 71 section 21a-156, the commissioner may issue a warning citation to such
 72 person, firm, corporation, limited liability company or other legal
 73 entity or may impose a civil penalty of not more than one hundred
 74 dollars for the first offense and not more than five hundred dollars for
 75 each subsequent offense. Each violation with respect to all units of a
 76 particular consumer commodity on any single day shall be considered

77 a single offense.

78 [(a)] (c) Any person who violates any provision of this chapter, or
 79 any regulation [made thereunder] adopted pursuant to section 21a-
 80 156, or fails to comply with an order of the Commissioner of Consumer
 81 Protection, shall be fined not more than fifty dollars for the first
 82 offense, shall be fined not more than one hundred dollars or
 83 imprisoned not more than ten days for the second offense and shall be
 84 fined not more than two hundred dollars and imprisoned not more
 85 than thirty days for each subsequent offense.

86 [(b)] (d) The commissioner may apply to the Superior Court for and
 87 such court may, upon hearing and for cause shown, grant a temporary
 88 or permanent injunction enjoining any person from operating a bakery
 89 without a license issued in accordance with this chapter, irrespective of
 90 whether or not there exists an adequate remedy at law. The
 91 commissioner also may apply to the Superior Court for, and such court
 92 shall have jurisdiction to grant, a temporary restraining order pending
 93 a hearing. Such application for injunctive or other appropriate relief
 94 shall be brought by the Attorney General.

95 Sec. 3. Section 21a-59 of the general statutes is repealed and the
 96 following is substituted in lieu thereof (*Effective October 1, 2002*):

97 (a) The commissioner shall hold a hearing, in accordance with the
 98 provisions of chapter 54, whenever the commissioner has probable
 99 cause to believe, or whenever twenty-five or more citizens of this state
 100 have certified in writing to the commissioner their belief that any
 101 person, firm, corporation, limited liability company or other legal
 102 entity has violated any provision of sections 21a-49 to 21a-57, inclusive,
 103 or of any regulation adopted pursuant to section 21a-58.

104 (b) Upon finding that a person, firm, corporation, limited liability
 105 company or other legal entity has violated any provision of sections
 106 21a-49 to 21a-57, inclusive, or of any regulation adopted pursuant to
 107 section 21a-58, the commissioner may issue a warning citation to such

108 person, firm, corporation, limited liability company or other legal
109 entity or may impose a civil penalty of not more than one hundred
110 dollars for the first offense and not more than five hundred dollars for
111 each subsequent offense. Each violation with respect to all units of a
112 particular consumer commodity on any single day shall be considered
113 a single offense.

114 (c) Any person who violates any provision of sections 21a-49 to 21a-
115 57, inclusive, or of the regulations and standards promulgated under
116 the provisions of section 21a-58 shall be fined not more than five
117 hundred dollars or imprisoned not more than six months or both.

This act shall take effect as follows:	
Section 1	<i>January 1, 2003</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>

Statement of Purpose:

To require wholesale meat and meat product distributors and seafood retailers to register with the Department of Consumer Protection to facilitate food recalls and to allow the Department of Consumer Protection to impose civil penalties for violations of bakery and frozen dessert food laws.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]